

## **REMARKS**

### **Status of Application**

By the present Amendment, claims 2-3 and 6 have been canceled without prejudice or disclaimer. Claims 1, 4-5 and 7-15 are all the claims pending in the application. Claims 1-15 have been rejected.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1 and 8 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Applicant's Admitted Prior Art (hereinafter "APA"). Claims 2, 5-6, and 9-11, are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over APA in view of U.S. Patent Publication No. 2003/0123485 to Yi et al. (hereinafter "Yi"). Claim 3 is rejected under 35 U.S.C. § 103 as allegedly being unpatentable over APA, in view of Yi, and further in view of U.S. Patent Publication No. 2003/0123392 to Ruutu (hereinafter "Ruutu"). Applicant respectfully traverses all of these rejections.

In response to Applicant's previous arguments, the Examiner takes official notice that UDP/IPv6 layer, a set of software instructions and part of the Open System Interconnection Reference Model (OSI) (layer 4 transport UDP and layer 3 network IPv6) can be implemented inter-node or intra-node. Thus, the Examiner alleges that it would have been obvious to a person of ordinary skill in the art to implement a UDP/IPv6 layer between a plurality of protocols forming blocks within an RNC or like node since the functionality of the layers within the protocols forming blocks can remain intact, without requisite re-coding where the intra-node UDP/IPv6 layer can be used as 'glue' to connect the respective blocks. Applicant respectfully disagrees.

However, without conceding to the merits of the Examiner's rejections, claims 2-3 and 6 have been canceled without prejudice or disclaimer and, therefore, the Examiner's rejections with respect to claims 2-3 and 6 are now moot.

Further, without conceding to the merits of the Examiner's rejections, independent claim 1 has been amended, as set forth above, to recite (among other things):

...wherein said plurality of protocol layers  
are segmented to execute Quality of Service (QoS)  
control by buffering at least one of RLC layer  
segmentation and concatenation data...

Applicant respectfully submits that the cited references, and any combination thereof, fail to teach or suggest the above features and, therefore, claim 1 would not have been obvious in view of the cited references for at least these reasons.

For example, the Examiner acknowledges that both APA and Yi fail to teach or suggest the features of wherein said plurality of protocol layers are segmented to execute Quality of Service (QoS) control taking said RLC layer into consideration. Nevertheless, the grounds of rejection allege that Ruutu teaches these features.

In contrast to amended claim 1, however, Ruutu fails to teach or suggest that a plurality of protocol layers are segmented to execute Quality of Service (QoS) control by buffering at least one of RLC layer segmentation and concatenation data, as claimed. Quite to the contrary, Ruutu merely teaches a PDCP layer queuing management and a MAC layer QoS scheduling function in a Radio Network Controller (RNC) 10 of a 3G network (Ruutu, paragraph 0039). Moreover, neither APA nor Yi remedy the deficient teachings of Ruutu in this regard.

Therefore, Applicant respectfully submits that claim 1 would not have been obvious in view of the cited references for at least these reasons.

Additionally, claim 1 has been amended to recite:

...wherein said first block and second block include at least a Packet Data Convergence Protocol (PDCP) layer, an RLC (Radio Link Control) layer which executes U (User)-plane data segmentation and concatenation, a MAC (Medium Access Control) layer and a FP (Frame Protocol) layer.

Applicant respectfully submits that the cited references also fail to teach or suggest the above features. For instance, the Examiner relies on the radio network controller (RNC) and the router of APA, as shown in FIG. 6 of the present specification, as allegedly teaching a first block and a second block connected by a User Datagram Protocol (UDP)/ Internet Protocol version 6 (IPv6) layer arranged therebetween, as recited in claim 1. Unlike claim 1, however, APA does not teach or suggest a radio network controller, which comprises a first block and a second block which include at least a Packet Data Convergence Protocol (PDCP) layer, an RLC (Radio Link Control) layer which executes U (User)-plane data segmentation and concatenation, a MAC (Medium Access Control) layer and a FP (Frame Protocol) layer. Moreover, Yi and Ruutu fail to remedy the deficient teachings of APA.

Therefore, since the cited references, and any combination thereof, fail to teach or suggest all the features of claim 1, Applicant submits that claim 1 is patentable for at least these reasons. Further, Applicant respectfully submits that the dependent claims 4, 8, 10, 12 and 14 are patentable *at least* by virtue of their dependency on claim 1.

In view of the similarities between amended claim 5 and the recitations already discussed above regarding claim 1, Applicant respectfully submits that claim 5 is patentable over the cited references for at least reasons similar to those already discussed above. Moreover, Applicant

respectfully submits that the dependent claims 7, 9, 11, 13 and 15 are patentable *at least* by virtue of their dependency on claim 5.

Accordingly, Applicant respectfully requests that the Examiner withdraw all of these rejections.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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